

**RESOLUTION TO ENACT THE 2015 WV BUILDING CODE AMENDMENTS**

and accepting the States Title 87 Legislative Rules on Examiners certification and Continuing Education

**NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE GREENBRIER COUNTY COMMISSION THAT THE WV STATE BUILDING CODE HAS BEEN AMENDED AS FOLLOWS:**

**WHEREAS**, the West Virginia State Fire Commission had amended the State Building Code by adopting the 2015 ICC Code with legislative exceptions WV Code 29-3-5b filed July 1, 2016 and becomes effective August 1, 2016;

**WHEREAS**, this Rule established the standard considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated: and

**WHEREAS**, Greenbrier County adopted the State Building Code of the 26<sup>th</sup> day of February, 2008; and

**WHEREAS**, Greenbrier County has identified the required insertions and specified the optional provisions in the said State Building Code (as required by section 87-4-7.3) to define the regulations specific to the local jurisdiction of Greenbrier County;

*This resolution enacts the new code changes as adopted by the State of West Virginia with all local insertions enacted by the Greenbrier County Commission shall be known as the Greenbrier County Building Code.*

**SEE APPENDIX A-** West Virginia STATE BUILDING CODE DOCUMENT

**SEE APPENDIX B-** Greenbrier County Building Code Insertions

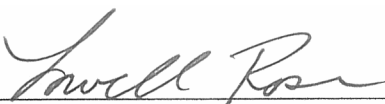
Signed this day 14<sup>th</sup> of June 2016.



Michael F. McClung, President Greenbrier County Commission



Woody Hanna, Commissioner



Lowell Rose, Commissioner

## STATE BUILDING CODE

## GENERAL

Authority: WV Code 29-3-5b

Agency: WV State Fire Commission

Legislative Rule" Title 87. Series 4

Effective Date: July 1, 2016

Incorporation of other Documents—This does not include a reprinting of all the requirements imposed by statute or by incorporation of various nationally recognized standards and codes cited. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

## DEFINITIONS

"ANSI" means American National Standards Institute, 25 West 43<sup>rd</sup> St., Fourth Floor, New York, NY 10036.

"ASTM" means American Society of testing and materials.

"Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

"Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

"ICC" or "International" means International Code Council, 500 New Jersey Ave. NW, 6<sup>th</sup> Floor, Washington, DC 20001.

"Local Jurisdiction" means Greenbrier County Commission.

"NFPA" means National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101.

"State Building Code" means the entire contents of this rule and the referenced national standards and codes.

"State Fire Code" means the entire contents of the State Fire Commission, State Fire Code, 87CSR1 and the referenced standards and codes.

Appendix G- Flood-Resistant Construction

Appendix H- Signs

Appendix I- Patio Covers

Appendix J- Grading

2. The **2015** edition of the International Plumbing Code.

Section 101.0. Insert Greenbrier County

Section 305.6. Insert 24 Inches

Section 904.1. Insert 12 Inches

Greenbrier County hereby adopts the following IPC 2015 Appendices

Appendix D- Degree Day and Design Temperatures

Appendix E- Sizing of Water Pipe Systems

Appendix F- Structural Safety

Appendix C- Vacuum Drainage Systems

3. The **2015** edition of the International Mechanical Code.

Section 101.1. Insert Greenbrier County

Greenbrier County hereby adopts the following IMC 2015 Appendix:

Appendix A- Combustion Air Openings and Chimney Connector Pass-Throughs

4. The **2015** edition of the International Fuel Gas Code, with the following exceptions:

- a. Section 404.10. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

Section 101.1 Insert Greenbrier County

Greenbrier County hereby adopts the following IFGS 2015 Appendices:

Appendix A- Sizing and Capabilities of Gas Piping

Appendix B- Sizing of Vent Systems

Appendix C- Exit Terminals of Mechanical Draft Systems

Appendix D- Recommended Procedure for Safety Inspection

5. **The 2009 IECC (Residential Energy)**

Section 101.1. Insert Greenbrier County

6. **2007 The ANSI/ ASHRAE/ IESNA Standard 90.1 (Commercial Energy)**

Appendix J- Existing Buildings and Structures

Appendix K- Sound Transmission

8. **The 2009 ICC/ AANSI A117.1 Standards For Accessibility**
9. The **2015** edition of the International Existing Building Code, with the following exception:
  - a. Omit references to the *International Fire Code* and substitute *NFPA 101, Life Safety Code 2015*.

Section 101.1. Insert Greenbrier County  
 Greenbrier County hereby adopts the following EIBC 2015 Appendix:  
 Appendix B- Supplementary Accessibility Requirements for Existing Buildings and Facilities

10. The **2014** edition of NFPA 70, the National Electric Code

11. **International Property Maintenance Code 2015**

Section 101.1. Insert Greenbrier County  
 Section 302.4. Insert 10 Inches  
 Section 304.14. Insert April 15 to November 15  
 Section 602.3. Insert November 15 to April 30  
 Section 602.4. Insert November 1 to April 30

12. The 2015 edition of ISPSC

13. **Fire Protection of Floors in Residential Buildings.**

**New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement and New One and Two Family Dwelling containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A ½ inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane or equivalent, on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in Section R313.2 of the 2009 edition of the International Residential Code for One and Two Family Dwellings: Provided, that the floor assemblies located directly over a space protected by an automatic sprinkler system**

Within the penalty sections of each of the national codes there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional and rejected by the Greenbrier County Commission.

Each of the national codes adopted provides for a separate appeals board. However, the intent and requirements of an appeals board may be met with the creation by the Greenbrier County Commission of a single appeals board for the entire State Code.

#### EXISTING BUILDING CODES

All building codes previously by the Greenbrier County Commission are null and void.

**TITLE 87  
LEGISLATIVE RULES  
STATE FIRE COMMISSION**

**SERIES 7  
STANDARDS FOR THE CERTIFICATION AND CONTINUING EDUCATION OF  
MUNICIPAL, COUNTY, AND OTHER PUBLIC SECTOR BUILDING CODE  
OFFICIALS, BUILDING CODE INSPECTORS AND PLANS EXAMINERS**

**§87-7-1. General.**

1.1. Scope. -- This rule establishes the requirements for the certification, continuing education and training of municipal, county and other public sector building code officials, building code inspectors and building code plans examiners to ensure compliance with the State Building Code.

1.2. Authority. -- W. Va. Code § 29-3-5b.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of former rule. -- This legislative rule repeals and replaces 87CSR7 “Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners” filed May 7, 2009 and effective July 1, 2009.

**§87-7-2. Definitions.**

2.1. “Building Code Inspector” is a person who conducts inspections and examinations of buildings to ascertain the level of compliance with the state building code.

2.1.1. A Building Code Inspector shall not have the authority through his or her certification to administer a building code department in a municipality, county or other local government entity, or be capable of supervising one or more other building code inspectors, plans examiners, or other administrative and technical staff employed by the building code department.

2.1.2. A Building Code Inspector shall only be empowered to administer such disciplines of the ICC in which he or she has certification by the State Fire Commission.

2.2. “Building Code Official” is a person who oversees and administers the building code department in a municipality, county or other local government entity that has lawfully adopted the state building code. In this role, the person typically supervises one or more building code inspectors, plans examiners, and other administrative and technical staff employed by the building code department.

2.2.1. A building code official shall only be empowered to administer such disciplines of the ICC in which he or she has certification by the State Fire Commission.

2.3. “Building Code Plans Examiner” is a person who examines and reviews construction or renovation plans and drawings for compliance with the requirements of the state building code.

2.3.1. A building code plans examiner shall only be empowered to administer such disciplines of the ICC in which he or she has certification by the State Fire Commission.

3.2.b. Building Code Plans Examiner.

3.2.b.1. Successful passage of the B3 Building Plans Examiner examination administered by the International Code Council;

3.2.b.2. Licensure to practice in this state as a Registered West Virginia Professional Engineer or Registered Architect; and

3.2.c. Building Code Inspector.

3.2.c.1. To be certified as a Building Code Inspector a person must complete the following examinations in the discipline or inspection category assigned, as listed below:

3.2.c.1.A. Building Inspector (planning, footings and foundations, floor construction, wall construction and coverings, roof/ceiling construction and penetrations) -- B1 Residential Building Inspector, or B2 Commercial Building Inspector, or B3 Building Plans Examiner, or R3 Residential Plans Examiner;

3.2.c.1.B. Electrical Inspector -- E1 Residential Electrical Inspector, or E2 Commercial Electrical Inspector, or E3 Electrical Plans Examiner and hold a valid West Virginia Masters Electricians License;

3.2.c.3. Mechanical Inspector -- M1 Residential Mechanical Inspector, or M2 Commercial Mechanical Inspector, or M3 Mechanical Plans Examiner;

3.2.c.4. Plumbing Inspector -- P1 Residential Plumbing Inspector, or P2 Commercial Plumbing Inspector, or P3 Plumbing Plans Examiner;

3.2.c.5. Accessibility Inspector/Plans Examiner -- 21 Accessibility Inspector/Plans Examiner;

3.2.c.6. Property Maintenance & Housing Inspector -- 64 Property Maintenance & Housing Inspector;

3.2.c.7. Floodplain Inspector -- C1 Coastal and Floodplain Construction Inspector;

3.2.c.8. Reinforced Concrete Inspector -- 47 Reinforced Concrete Special Inspector;

3.2.c.9. Prestressed Concrete Inspector -- 92 Prestressed Concrete Special Inspector;

3.2.c.10. Structural Masonry Inspector -- 84 Structural Masonry Special Inspector;

3.2.c.11. Sprayed Fireproofing Inspector -- 86 Spray-applied Fireproofing Special Inspector;

3.2.c.12. Structural Steel Inspector -- S1 Structural Steel and Bolting Special Inspector;

3.2.c.13. Welding Inspector -- S2 Structural Welding Special Inspector;

3.2.c.14. Soils Inspector -- EC Soils Special Inspector;

3.2.c.15. Disaster Response Inspector -- DR Disaster Response Inspector;

5.6. Each day during which a person performs work as a building code official, building code plans examiner, and/or building code inspector, without the required certification, or while in non-compliance with any of the provisions of W. Va. Code § 29-3-5b *et seq.* or this rule, and after official notice that the work is unlawful, it shall constitute a separate violation and the person and/or local governmental entity shall be subject to the penalties provided under W.Va. Code § 29-3-27(e).

**§87-7-6. Responsibilities of Cities, Counties and Local Government.**

6.1. Certifications under this Rule are earned by, granted to, required of, and are requisite for employment by each building code official, building code inspector and building code plans examiner, employed by a municipality, county or local governmental entity, adopting and enforcing the State Building Code.

6.2. Any municipality, county or local governmental entity, adopting and enforcing the State Building Code, shall submit an annual report to the State Fire Commission indicating the number of employees in their respective building code department, their job title, whether the employee is or is not certified by the State Fire Commission in their respective discipline, as well as a verification that the entity has adopted the current version of the State Building Code. The municipality, county or local governmental entity, shall also report what ICC codes are being enforced respectively.

6.3 This annual report shall be filed with the State Fire Commission no later than the thirty-first day of January of each year. The report may be completed by the building code official, or any other agent of the municipality, county or local governmental entity with signature authority.

**§87-7-7. Alternative for Probationary Employment of Uncertified Officials.**

7.1. Upon notifying the State Fire Commission that there is a lack of certified persons available to serve a municipality, county or other local government entity as a building code official, building plans examiner or building code inspector, that municipality, county or local governmental entity may request that an employed, or potentially employed person, be granted probationary certification status for a period not to exceed two (2) years. At or before the expiration of the provisional status, those persons shall obtain the necessary qualifications for certification and be certified by the State Fire Commission. During this probationary period, the municipality, county or local governmental entity, or the probationary building code employee, shall submit quarterly updates to the State Fire Commission, which will provide a status update of the individual's progress in obtaining certification.

7.2. The State Fire Commission may grant an extension of probationary status based on extenuating circumstances which are not in conflict with the intent of these rules. In no event shall an entity receive any extension or combination of extensions of provisional status greater than two (2) years in length.

7.3. In the event a request for an extension of probationary status is denied by the State Fire Marshal, a government entity may request an administrative hearing pursuant to the provisions of W. Va. Code §29A-5-1 *et seq.* with the State Fire Commission within thirty (30) days after receipt of the State Fire Marshal's decision.

**§87-7-8. Denial, suspension or revocation of certification; other fees.**

8.1. The State Fire Commission may deny, suspend, or revoke, any certification or application for certification for any of the following grounds:

8.1.a. failure to provide sufficient or complete documentation;



complaint, its nature and its disposition.

9.7. The State Fire Marshal shall maintain a separate file for each complaint received, and each file shall have a number assigned to it.

9.8. Upon receipt of a complaint, the State Fire Marshal shall issue one of the following acknowledgments to the complainant:

9.8.1. That the matter will be reviewed by the State Fire Marshal;

9.8.2. That the complaint is outside the jurisdiction of the State Fire Commission and State Fire Marshal, with suggestions as to how the complainant might best obtain a resolution of his or her problem; or,

9.8.3. That more information will be required in order to adequately review the individual complaint.

9.9. If the State Fire Marshal acknowledges the complaint under subsection 9.8.1, or 9.8.3, the State Fire Marshal shall send a copy of the complaint, including any supporting documentation, by certified mail to the building code official, building plans examiner or building code inspector or applicant in question for his or her written comment, and he or she shall submit a written response to the State Fire Marshal within thirty (30) days of the date of such correspondence, or waive the right to do so.

9.10. Requests for comment on complaints sent to building code official, building plans examiner or building code inspector or applicants shall be considered properly served when sent to the last address on file with the State Fire Marshal. It is the responsibility of the certification holder or applicant to keep the State Fire Marshal informed of his or her current address.

9.11. After receipt and review of a complaint, unless the complaint is determined to fall within the provisions of subdivision 9.8.2 of this rule, the State Fire Marshal shall cause to be conducted any reasonable inquiry or investigation he or she considers necessary to determine the truth and the validity of the allegations set forth in the complaint. The review of complaints and any view or investigation thereof may, at the discretion of the State Fire Marshal, be assigned to a designee.

9.13. Upon receipt of a complaint the designee shall, within sixty (60) days, review and investigate the same and provide the State Fire Marshal with a report. The report shall contain a statement of the allegations, a statement of facts, and an analysis of the complaint including a description of the inspection, the records reviewed, and interviews conducted, and a statement of the designee's findings and recommendations. The State Fire Marshal or the designee shall be afforded an opportunity to have an investigation interview with building code official, building plans examiner or building code inspector or applicant in question or any other involved parties, a report of which shall be placed in the investigation file.

9.14. To facilitate the disposition of a complaint, the State Fire Marshal, his designee, may request any person to attend an informal conference at any time prior to the State Fire Marshal entering any order with respect to the complaint. The State Fire Marshal, or the designee, shall give notice of the conference, which shall include a statement of issues to be informally discussed. Statements made at a conference may not be introduced at any subsequent hearing on the merits without the consent of all parties to the hearing. No prejudice shall attach for failure to attend a conference pursuant to a request.

9.15. The State Fire Marshal may issue subpoenas and subpoenas *duces tecum* to complete the State Fire Marshal's investigation and to determine the truth or validity of complaints. A designee may request